



**Winston H. Hickox**  
*Secretary for  
Environmental  
Protection*

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>



**Gray Davis**  
*Governor*

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION: 31358  
2002**

**DATE FILED: September 11,**

Notice is hereby given that Napa Valley Country Club has filed an application for a water right permit for diversion of water from two Unnamed Streams tributary to an Unnamed Stream thence Sarco Creek thence Milliken Creek thence the Napa River in Napa County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence to the applicant shall be mailed to:

Napa Valley Country Club  
c/o Drew L. Aspegren  
176 Main Street  
St Helena, CA 94574

### Description of Project

Napa Valley Country Club is seeking an appropriative right to store 30 acre-feet (af) annually. The applicant is proposing the construction of two additional 15 af capacity reservoirs in an Unnamed Stream (described as a swale) that drains to an Unnamed Stream thence Sarco Creek. The two new reservoirs are identified as Points of Diversion No. 3 and No. 4. Point of Diversion No. 5 is an off-set well downstream of Points of Diversion No. 3 and No. 4 on an Unnamed Stream tributary to Sarco Creek. Water from Point of Diversion No. 5 will be pumped to the new reservoirs at Points of Diversion No. 3 and No. 4. The new reservoirs will be interconnected with existing reservoirs for the purpose of transferring water during the irrigation season. Water will not be moved between the new reservoirs and the existing reservoirs during the diversion season. The water will be used to irrigate the existing golf course and for recreation, fire protection and aesthetic purposes.

Napa Valley Country Club has two other related applications that are permitted for the appropriation of water. Under Application 29017 (Permit 20314), Napa Valley Country Club appropriates 98 af per year. Application 30303 (Permit 20811) allows the appropriation of 189 af per year.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."*

### Summary of Application

County: Napa  
 Source: Two Unnamed Streams tributary to an Unnamed Stream thence Sarco Creek thence Milliken Creek thence the Napa River thence San Pablo Bay.  
 Points of Diversion: Located as follows:  
 POD No. 3: SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of (projected) section 31, T6N, R3W, MDB&M  
 POD No. 4: NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of (projected) section 6, T5N, R3W, MDB&M  
 POD No. 5: NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of (projected) section 31, T6N, R3W, MDB&M  
 Amount: 30 acre-feet per year of storage.  
 Season: December 15 to March 31 for storage.  
 Purposes: Irrigation, Recreation, Fire Protection and Aesthetics.  
 Place of Use:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10	Yes
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10	Yes
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10	Yes
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	15	Yes
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	5N	4W	MD	10	Yes
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD	15	Yes
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD	15	Yes
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	5N	4W	MD	5	Yes

### Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Steve Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

### PROTEST SUBMITTAL INFORMATION

#### Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.

- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

**Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40<sup>th</sup>** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

**Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

**CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Mitchell Moody by phone at (916) 341-5383 or by electronic mail at [mmoody@waterrights.swrcb.ca.gov](mailto:mmoody@waterrights.swrcb.ca.gov). Protest forms may also be obtained from the Division's web-site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **June 27, 2003**